

Application No. 09/604,158
Attorney Docket No. 4380-102

REMARKS

Claims 11, 34 and 35 are pending. Claim 1 and withdrawn claims 7, 12-13 and 16-33 are canceled without prejudice to, or disclaimer of, the subject matter they contain. Applicants respectfully reserve the right to file continuing applications for canceled and/or disclosed subject matter. Claim 11 is amended and claims 34 and 35 are added to encompass infringing subject matter. No new matter has been added.

The Rejection Under 35 U.S.C. §102(e)

The Office Action states that claim 1 remains rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Bessette et al (U.S. Patent No. 6,183,767) for the reasons of record in the prior Office Action. Applicant has canceled claim 1, thereby rendering this rejection moot.

The Rejection Under 35 U.S.C. §103(a)

The Office Action rejects claims 1 and 11 under 35 U.S.C. §103(a) as allegedly being unpatentable over Franklin et al. (U.S. 6,130,253) in view of Wolf et al. (EP 475253). Applicant respectfully traverses this rejection for at least the following reasons.

Franklin merely discloses pesticides for the extermination of terrestrial arthropods comprising formulations of a combination of terpenes in aqueous solutions which may be used together with citral. Wolf merely discloses compositions for controlling house mites comprising menthol. Neither Franklin nor Wolf discloses or suggests methods of using compositions comprising phenyl ethyl propionat as an active ingredient, let alone phenyl ethyl propionate in

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combination with benzyl alcohol or eugenol, as in the presently claimed invention. Thus

Applicant respectfully requests reconsideration and withdrawal of this rejection.

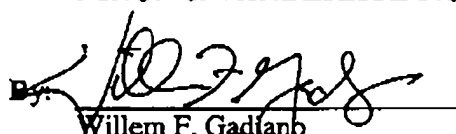
CONCLUSION

If anything further could be done to place the above-captioned patent application in better condition for allowance (i.e., via Examiner's Amendment), the please contact the undersigned attorney at the telephone number listed below.

Please grant any extensions of time deemed necessary. The Commissioner is hereby authorized to charge any deficiency in the small-entity fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper filed hereafter) to Deposit Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.


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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this document (including any paper referred to as being attached or enclosed) is being sent to the U.S. Patent and Trademark Office via facsimile transmission to (703) 872-9306 on the date indicated below, with a coversheet addressed to Commissioner for Patents, U.S. Patent and Trademark Office, Washington, D.C., 20231.

Date:

December 3, 2003

By:


Willem F. Gadiano, Registration No. 37,136